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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,900	07/25/2001	J. David Derosier	YYDD-1J	6589

7590
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260 Bear Hill Road
Waltham, MA 02451-1018

07/13/2007

EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/912,900	Applicant(s) DEROSIER ET AL.	
	Examiner Sujatha Sharma	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] in view of Feitsch [DE 197 44 263].

Regarding claim 26, Park discloses a method of generating a pseudo base station signal for transmission to a mobile phone in a detection area (thus intervening between a wireless communication device and a base station) comprising:

- an antenna, and a receiver responsive to transmissions received by the antenna; see fig. 3, col. 5, lines 37-41
- a transmitter having an adjustable power level; see summary of invention, col. 7, lines 27-33
- control unit (detecting unit); see summary of invention and Fig. 3

a control module responsive to the receiver and connected to the transmitter, the control module configured to:

- measure the absolute field strength of a received transmission detected by the receiver from surrounding base stations and record the information transmitted by the surrounding base stations;; see fig. 3, col. 7, lines 27-29

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- set the transmission power level of the transmitter to have an absolute field strength greater than the highest measured absolute field strength detected from a corresponding base station; see summary of invention, col. 7, lines 27-33
- detect and record an interface signal received by the receiver from a wireless communication device in a predefined area proximate the receiver;(here the MSC keeps records of all mobile registrations to facilitate call delivery and other related information to the particular mobile stations). See col. 4, lines 25-33 and lines 56-61.

However he does not disclose a method in which the step of transmitting includes instructing the wireless communication device to lower its transmission power so that transmissions from the wireless communication device do not reach any corresponding surrounding base.

Heinonen, in the same field of endeavor, teaches a method for eliminating disturbance caused by a mobile station within a certain area. Heinonen further teaches a method in which the step of transmitting includes instructing the wireless communication device to lower its transmission power so that transmissions from the wireless communication device do not reach any corresponding surrounding base. See summary of invention, col. 4, lines 31-41.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Heinonen to modified Park in order to eliminate disturbance caused by a mobile station within a certain area.

However Park as modified by Heinonen does not disclose a method of receiving an interface signal from a wireless communication device which instructs the cell phone to remove itself

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from normal communication with the base stations, the control module controlling the cell phone to prevent use of the cell phone with the surrounding base stations.

Feitsch, in the same field of endeavor, teaches a method wherein a mobile device in a restricted area will receive a signal transmitted from a turn off unit which instructs the cell phone to remove itself from normal communication with the base stations, the control module controlling the cell phone to prevent use of the cell phone with the surrounding base stations. See English translation, page 9 paragraph 1; page 10, last paragraph and Fig. 1-4

Therefore it would have been to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Feitsch to modified Park in order to provide an economically attractive and functionally reliable solution of operating mobile devices in restricted areas.

Regarding claim 27, Park discloses a method further including the step of keeping a record of all interface signals and requests for service transmissions received from a wireless communication device (here the MSC keeps records of all mobile registrations to facilitate call delivery and other related information to the particular mobile stations). See col. 4, lines 25-33 and lines 56-61.

Regarding claim 28, modified Park specifically does not disclose a method including the step of polling the record to track movement of a wireless communication device.

However it is well known in the art that MSC polls all mobile registrations in order that it can locate a mobile and route the call appropriately.

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Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made for the MSC to poll and keep track of the mobiles in order to locate a mobile in an restricted or unwanted area and eliminate disturbance caused by said mobile station within the said certain area

Regarding claim 29, Park further discloses a method including the step of providing an alarm when a wireless communication device transmits a request for service transmission (here location registration implies request for service transmission). See summary of invention and col. 9, lines 33-45.

Response to Arguments

3. Applicant's arguments filed 5/16/07 have been fully considered but they are not persuasive.

The applicant argues on pages 3-5 and 9 that none of the cited references teach or disclose a **cell phone intervention device that is independent from a network of base stations** so that the controlling module acts as a controlling base station for the cell phone.

The examiner respectfully disagrees and would like to draw the applicant's attention to the Park reference. Park clearly discloses in Fig. 3 a detection unit/apparatus (100) that is different from the network of base station (see col. 3, lines 34-53) where the apparatus analyzes signals received from neighboring base stations and therefore this reads on the claimed limitation that the detecting unit/ apparatus is independent of the network of base stations. See also summary of invention where the detector unit/apparatus generates a pseudo base station signal thus indicating that the detection unit/apparatus is a separate unit from the network of base stations.

Therefore the rejection of the claims as submitted in the previous office action (mailed 11/1/2006) and as discussed above is considered proper.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sujatha Sharma
July 6, 2007



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER